

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

FIELDTURF USA, INC., ET AL.	)	
	)	CASE NO.: 1:06CV2624
Plaintiffs,	)	
	)	Judge Patricia A. Gaughan
v.	)	
	)	<b>FIELDTURF'S MOTION</b>
SPORTS CONSTRUCTION GROUP,	)	<b>FOR LEAVE TO FILE ITS</b>
LLC,	)	<b>SUR-SUR-REPLY IN SUPPORT OF</b>
	)	<b>ITS MOTION FOR DEFAULT OR</b>
Defendant.	)	<b>DISQUALIFICATION OF</b>
	)	<b>COUNSEL</b>

**I. INTRODUCTION**

FieldTurf respectfully moves this Court for leave to file *instanter* its Sur-Sur-Reply (attached as Exhibit 1, and filed as Doc. No. 157) to SCG's Sur-Reply brief filed on November 21, 2007 (Doc. No. 156).

This Sur-Sur-Reply is warranted as new evidence and related arguments were presented by way of FieldTurf's recent Reply (Doc. No. 154) filed on November 11, 2007. Because such evidence was contemplated, this Court granted SCG in advance, leave to file a sur-reply (Doc. No. 138). In addition, SCG has also added new evidence and related arguments, by way of example, SCG has now submitted an affidavit of Ronald Lasko in an attempt to bolster its arguments in its opposition to FieldTurf's motion.

SCG's Sur-Reply really stands as a *defacto* response brief to FieldTurf's Reply brief, which itself was required to be somewhat of a *novation* of FieldTurf's opening brief. FieldTurf's Reply significantly exceeded the evidence and arguments of FieldTurf's opening brief due to belated testimony and documents compelled from SCG and Mr. Lasko by this Court. In other

words, FieldTurf's proposed Sur-Sur-Reply is really a simple reply brief to the augmented subject matter interposed in the briefing on FieldTurf's motion to default or disqualify.

Accordingly, FieldTurf respectfully requests leave to file *instanter* its Sur-Sur Reply to SCG's augmented opposition.

## **II. CONCLUSION**

Based upon the foregoing, FieldTurf respectfully requests this Court grant the necessary relief by providing the opportunity to respond by allowing it to submit a sur-sur-reply.

Respectfully submitted,

Date: November 27, 2007

/s Micheal D. Lake  
Jody L. Factor, Esq.  
Micheal D. Lake, Esq.  
Nicholas S. Lee, Esq.  
FACTOR & LAKE, LTD  
1327 W. Washington Blvd.  
Suite 5G/H  
Chicago, IL 60607  
Phone: (312) 226-1818  
Facsimile: (312) 226-1919

Co-Counsel:

H. Alan Rothenbuecher (0041883)  
Schottenstein, Zox & Dunn Co., LPA  
US Bank Centre at Playhouse Square  
1350 Euclid Avenue, Suite 1400  
Cleveland, OH 44115  
Phone: 216-621-6501  
Facsimile: 216-621-6502

*Attorneys for Plaintiffs*  
*FieldTurf USA, Inc. and FieldTurf Tarkett Inc.*

**CERTIFICATE OF SERVICE**

I, Micheal D. Lake, hereby certify that on this 27th day of November 2007, a copy of the foregoing document entitled, **“FIELDTURF’S MOTION FOR LEAVE TO FILE ITS SUR-SUR-REPLY IN SUPPORT OF ITS MOTION FOR DEFAULT OR DISQUALIFICATION OF COUNSEL”** was filed electronically via the Court’s ECF/CM System. Notice of this filing will be sent by operation of the Court’s electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court’s system.

s/ Micheal D. Lake  
Micheal D. Lake  
FACTOR & LAKE, LTD.  
1327 W. Washington Blvd., Suite 5G/H  
Chicago, Illinois 60607  
Phone: (312) 226-1818  
Fax: (312) 226-1919  
Email: mlake@factor-lake.com